

RESOLUTION NO. 2005-04

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS OF
1745 WEST KETTLEMAN LANE, AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR
MAINTENANCE OF LANDSCAPE AREA WITHIN STATE HIGHWAY 12
RIGHT-OF-WAY IN THE CITY OF LODI WITH CALTRANS AND A
MAINTENANCE AGREEMENT WITH THE DEVELOPER FOR
LANDSCAPE IMPROVEMENTS IN THE KETTLEMAN LANE
RIGHT-OF-WAY, AND APPROPRIATING FUNDS

WHEREAS, as a condition of development, the developer is required to provide the design and construction required to underground all aerial facilities along the Kettleman Lane frontage of the project site; and

WHEREAS, in order to provide for orderly development and to reduce costs and minimize the impact of construction activities on Kettleman Lane, City staff requested that the developer obtain the costs to underground the aerial facilities for the adjacent properties west of the subject property (APN 031-040-20 and 031-040-40) in conjunction with the subject development, which would complete the undergrounding of existing overhead utilities between Lakeshore Drive and Mills Avenue, and the developer has complied with this request; and

WHEREAS, staff has reviewed the costs and determined that \$75,000 is needed to complete the underground work on the adjacent properties; and

WHEREAS, the westerly properties are not developing at this time and the developer has requested that the City provide reimbursement for the cost of those improvements; and

WHEREAS, the City would be eligible for reimbursement for the costs of undergrounding the aerial facilities benefiting the adjacent properties (APN 031-040-20 and 031-040-40) at the time of development of those properties in conformance with Lodi Municipal Code 16.40, Reimbursements for Construction, which provides for annual adjustments to provide for interest based on the Engineering News Record Construction Cost Index; and

WHEREAS, staff recommends appropriating \$75,000 to cover those costs, and further recommends setting a public hearing by separate action to establish the area of benefit for reimbursement to the City for those costs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi hereby finds as follows:

1. Approves the Improvement Agreement for the Public Improvements of 1745 West Kettleman Lane, subject to direction regarding reimbursable costs, and directs the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City.

2. That funds in the amount of \$75,000 be appropriated from the Electric Utility Fund for reimbursement to the developer for the undergrounding of aerial facilities on adjacent properties (APN 031-040-20 and 031-040-40).
3. Authorizes the City Manager to execute an amendment to the Agreement for Maintenance of Landscape Area within State Highway Right of Way, State Route 12 in the City of Lodi with Caltrans.
4. Authorizes staff to obtain a Caltrans encroachment permit for landscape and irrigation improvements in the Kettleman Lane right-of-way being installed with the subject project.
5. Authorizes the City Manager to execute a Maintenance Agreement with the developer covering the developer's maintenance responsibilities for the landscape and irrigation improvements in the Kettleman Lane right-of-way.

Dated: January 5, 2005

=====

I hereby certify that Resolution No. 2005-04 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 5, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk